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SUBJECT: UN HIGH COMMISSIONER: HUMAN RIGHTS CENTRAL TO
UN'S WORK

¶1. (SBU) Summary. During her May 13-19 visit to Cambodia, UN High Commissioner for Human Rights Louise Arbour's agenda focused on the consolidation of democracy and rule of law, as well as the independence of the judiciary. She defended the work of UNSYG Special Representative (SRSG) Yash Ghai, and urged greater support from the diplomatic community in Phnom Penh for the UN Office for Human Rights. She met with PM Hun Sen and other senior government officials, NGOs and the diplomatic corps during her visit. Hun Sen's office characterized her visit as positive and productive. The High Commissioner noted that Cambodia's civil society was committed to Cambodia's democratic and economic development, and should be safeguarded and supported by the government. The Khmer Rouge Tribunal, she concluded, represents an opportunity to press for greater respect for international standards of justice in Cambodia, despite the Cambodian judiciary's shortcomings. Ms. Arbour's visit helped set a better tone for work between the RGC and the UN on human rights, but did not resolve the lingering issue of the RGC's disdain for the SRSG. End Summary.

UN High Commissioner for Human Rights Visits Cambodia

¶2. (U) UN High Commissioner for Human Rights Louise Arbour visited Cambodia from May 13-19, meeting a variety of government officials, including Prime Minister Hun Sen, DPM Sok An, Minister of Interior Sar Kheng, and Minister of Justice Ang Vong Vattana. In addition to government officials, Arbour met with a broad range of civil society leaders, the diplomatic community, and representatives of the Khmer Rouge Tribunal. The PM's office characterized Louise Arbour as a good partner and promised to work more closely with the United Nations on human rights issues, although the PM was mute on the subject of meeting with the Secretary General's Special representative for Human Rights, Yash Ghai. The PM's human rights advisor, Om Yentieng, told reporters that the government did not have a quarrel with the UN, only with Yash Ghai whom Om Yentieng noted did not represent the UN. The PM's spokesman, Eang Sophalleth, assured the press that the government had no intention of closing the UN human rights office in Phnom Penh. Arbour also reportedly asked the PM to report to her any problems with the UN human rights office in order to avert possible misunderstandings in the future.

¶3. (U) In a meeting with the diplomatic community prior to her departure, the UN High Commissioner opened her remarks by placing Cambodia into the broader perspective of the UN's mission. Noting that the UN Secretary General has expressed his support for human rights as the third pillar (alongside

development and security) of the UN's work, she underscored the "mainstreaming" of human rights as a central UN theme. She quoted the UNSG as saying that there cannot be security without development, nor development without security, and one cannot have either without human rights. Arbour said that while much has been done to affirm the Universal Declaration of Human Rights, little has been done to empower stakeholders to insist on their rights. Governments are duty bearers in the support of human rights, she continued, and have obligations as a result of signing international treaties. The language may be an irritant and a burden to governments, acknowledged Arbour, but the UN has a legal requirement to speak with governments as the responsible parties for upholding human rights in their respective countries.

¶4. (SBU) The new Human Rights Council (HRC) will inherit the old resolutions concerning Cambodia and other countries with Special Representatives (currently numbering more than 40), which may be modified in the future, said Arbour. The UN High Commissioner, however, said the first year will be busy for the new HRC, and she does not envision major changes in approach to any single country. Arbour anticipates that the mandates for all countries will likely continue so there are no gaps in protection, and each will be subject to further review in the future. Arbour noted that she received no definitive indication from the PM that he would meet with Yash Ghai in the future or revise his opinion of the work of the SRSG. She stressed that Cambodia had been well served by the various SRSGs and the twin mandates of both the SRSG and the Human Rights Office in Cambodia rested with the new Human Rights Council -- neither is within the discretion of the Cambodian government to abolish.

¶5. (SBU) Arbour added that collectively, the Special

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Representatives and the UN Human Rights Office had produced a solid blueprint outlining the country's shortcomings and what is needed for Cambodia to become a full democracy. The UN Human Rights office is in Cambodia to assist the human rights agenda, including analysis on the many issues (e.g., land rights, corruption) that have been documented over the years.

Arbour noted that she focused much of her attention of the judiciary during her visit because it is the crucial institution by which citizens may call the government to account. She urged the diplomatic community to remain strong advocates of the role of civil society, and to monitor closely government activities (legislation restricting NGO activities, freedom of expression and freedom of assembly) that may curtail civil society and human rights activists.

¶6. (SBU) Looking ahead towards the Khmer Rouge Tribunal's opening, Arbour said that there is every reason to look at this as an opportunity. The Tribunal will put Cambodia's judiciary in the spotlight, and she urged the international community to capitalize on the Tribunal to launch greater respect for international standards of justice.

Comment

¶7. (SBU) Despite the PM office's positive spin on Arbour's meeting with Hun Sen, the UN High Commissioner staunchly defended not only Yash Ghai's work as SRSG, but the work of his predecessors. There was no breakthrough concerning the Prime Minister's attitude towards Yash Ghai, but Arbour laid down a clear marker signaling her support for Ghai. She informally urged donors to be more unified in their support for the work of the Phnom Penh-based UN Human Rights Office. We heard informally that in the PM's meeting with Arbour, Hun Sen mentioned that he had been asked to intervene with the Burmese military junta to press for democratic reform, although there was no mention that the request had come from the USG. End Comment.

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